

AMERICAN BATTLE MONUMENTS COMMISSION PERSONNEL

MAY 25, 1989.—Ordered to be printed

Mr. MONTGOMERY, from the Committee on Veterans' Affairs,
submitted the following

R E P O R T

[To accompany H.R. 1734, which on April 6, 1989, was referred jointly to the
Committees on Veterans' Affairs and Armed Services]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1734) to exempt retired members of the Armed Forces called to active duty and assigned to full-time duty with the American Battle Monuments Commission from grade limitations on officers of the Armed Forces, having considered the same, reports favorably thereon with an amendment, by unanimous voice vote, and recommends that the bill as amended do pass.

The amendment (stated in terms of the page and line numbers of the introduced bill) is as follows:

Page 2, line 15, strike out "section 811(a)" and all that follows through the comma on line 17 and insert in lieu thereof "section 526 of title 10, United States Code,".

INTRODUCTION

When the American Battle Monuments Commission (ABMC) was established in 1923, the enabling legislation provided for seven Commissioners to be appointed by the President to serve at his pleasure. In addition, the legislation provided that an officer of the Regular Army be appointed by the President to serve as Secretary and to supervise the Commission's day-to-day operations. Congress further recognized the need for a supporting military staff and authorized the armed services to provide such personnel, with reimbursement by the Commission for their pay and allowances.

For years the Department of Defense (DOD) and the Army supported the Commission's military personnel requirements, including the need for a general officer as Secretary. However, in 1976, the Department of Defense notified the Commission that beginning in fiscal year 1979 it would be necessary to reduce its military personnel support.

Although DOD support was ultimately continued, the issue has not been fully resolved. The Army has indicated that, due to restrictions on the total number of general officer positions and urgent military needs elsewhere, legislative relief with regard to the general officer position assigned to ABMC would be in order.

On April 6, 1989, the Hon. G.V. (Sonny) Montgomery, Chairman of the Committee, along with the Hon. Bob Stump, Ranking Minority Member, introduced H.R. 1734 to accomplish this purpose. The Subcommittee on Housing and Memorial Affairs held a hearing on April 13, 1989 and received testimony from Maj. Gen. A.J. Adams, Secretary, American Battle Monuments Commission. The Subcommittee met on May 11, 1989, and unanimously recommended H.R. 1734, with an amendment, to the full Committee. On May 17, 1989, the full Committee unanimously approved H.R. 1734, as amended, and ordered the bill reported.

BACKGROUND AND DISCUSSION OF THE BILL

The American Battle Monuments Commission operates and maintains 24 American military cemeteries and 14 monuments in 11 foreign countries and the Commonwealth of the Northern Mariana Islands, as well as four memorials in the United States. Interred in these cemeteries are 124,910 U.S. war dead—30,920 from World War I, 93,240 from World War II and 750 from the Mexican War. In addition, 5,685 American veterans and others are interred in the Mexico City National Cemetery and the Corozal American Cemetery and Memorial in Panama. The 94,092 Missing in Action of World War I, World War II, Korea, and Vietnam are commemorated by name either on Tablets of the Missing and memorials located in the American military cemetery located nearest to where they were lost, or at three of the Commission's memorials here in the United States.

In view of the important nature of the Commission's mission, Congress considered it advisable for an active duty military officer to administer its day-to-day activities. The initial enabling legislation provided for the President to appoint an officer of the Regular Army to serve in that capacity. Congress also recognized the need for the Secretary to have a supporting military staff and authorized the military services upon request to provide personnel to carry out its functions with reimbursement by the Commission for their pay and allowances.

Military personnel have been detailed for full-time duty with the Commission since its inception 64 years ago. This authority has been used sparingly, with only those military personnel needed to fill key positions of command, control and technical expertise being requested. In recent times, six retired-recalled Army officers have been detailed for full-time duty with the ABMC.

For the past 41 years the Secretary of the Commission has been a general officer. Following World War II the responsibilities of the Commission became so diverse and complex, that Gen. John J. Pershing, the Chairman, recognized the need for a senior administrator of such rank, and made the necessary arrangement. Succeeding Chairmen have all concurred with this requirement.

In 1976 DOD advised the Commission that, starting in fiscal year 1979, military personnel support to ABMC would have to be reduced significantly, as the spaces were needed elsewhere. Essential personnel support was ultimately provided, but DOD indicated in 1981 that it would be continued only at the rank of colonel. DOD has not to date actually withdrawn support for the Commission Secretary's position at the general officer level. However, the Army has indicated that the overall requirements for general officer slots are continuously under review to assure maximum effectiveness in meeting mission requirements.

Several of those reviews have resulted in the withdrawal of support to many non-statutory positions supporting readiness and deterrence. The position of the Secretary, American Battle Monuments Commission, traditionally filled by a recalled general officer has repeatedly surfaced during those reviews as failing to support the Army's primary mission.

As the Department of Defense continues to seek measures to preserve readiness in the face of officer end strength reductions, the adverse impact of positions like the Secretary, American Battle Monuments Commission becomes greater. Therefore, relief from accountability for the ABMC Secretary position would clearly be helpful in this regard.

Key military positions at the Commission are filled by retired-recalled officers. Each has earned maximum military retirement of 75 percent of base pay and has waived his retirement pay to serve on active duty with the Commission. The U.S. Government is receiving the full-time services of these officers for 25 percent of their base pay, as they have already earned maximum retirement. Should it become necessary for the Department of the Army to withdraw any of these spaces, the retired-recalled officers concerned would revert to retired status and begin drawing 75 percent of their base pay from the Army. ABMC would then have to employ civilians to take their place. This would cost the Federal government up to an estimated \$275,000 annually.

According to a letter to Chairman Montgomery dated Sept. 30, 1986 from Secretary of the Army John O. Marsh Jr., "... there is substantial precedent in the establishment of non-accountable general officer positions. Currently, general officer positions at the White House, the State Department, the Central Intelligence Agency, and the Surgeon to Congress do not count against the total Defense general officer authorizations." The Committee believes that the responsibilities of the Secretary of the American Battle Monuments Commission are equally important.

The manner in which a nation lays its warriors to rest and tends to their burial and memorial sites conveys an abiding message about the nation itself... that the nation understands its heritage, the principles upon which this heritage was constructed, and the precious toll exacted by its preservation. Further, by properly

maintaining these sacred grounds, the nation perpetuates the intention of its heritage for coming generations. Aesthetics is sometimes much more than just what the eye can see; in this instance, it is a lifeline to our past as well as our future.

Cemeteries and memorials under the jurisdiction of the Commission are meticulously manicured and maintained. Family members and visitors will attest to this. This care must continue. Military leadership at appropriate levels in the Secretary and key support positions is essential if the Commission is to maintain our overseas cemeteries at the high standards Americans rightfully expect.

OVERSIGHT FINDINGS

No oversight findings have been submitted to the Committee by the Committee on Government Operations.

COMMITTEE BUDGET STATEMENT

According to the Secretary of the American Battle Monuments Commission, the United States receives the services of retired-recalled officers for 25 percent of their base pay, as such officers are otherwise entitled to receive 75 percent of base pay. If the Commission were forced to employ civilians in lieu of such retired-recalled officers, the cost of salary and other benefits would increase the Government's personnel costs by \$300,000 annually. The Committee is obviously in favor of avoiding further increases in cost for the administration of the ABMC, and believes that the reported bill, if enacted, will permit the Government to continue to avoid the estimated \$300,000 cost of hiring civilian employees in lieu of retired-recalled officers.

CBO COST ESTIMATE

The following letter was received from the Congressional Budget Office concerning the cost of H.R. 1734.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 27, 1989.

Hon. G.V. Montgomery, *Chairman,*
Committee on Veterans Affairs,
U.S. House of Representatives,
Washington, D.C. 20515

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1734, as introduced in the House of Representatives. This bill would exempt certain employees of the American Battle Monuments Commission (ABMC) from the limitation on the number of general and flag officers of the Armed Forces. Any retired members of the Armed Forces who are called to active duty and assigned to the ABMC on a full-time basis would not be counted against the limitation on the number of general and flag officers who may be serving on active duty at one time. Because the number of individuals affected by this bill would be very small, it should not have a significant budgetary impact.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kathleen Shepherd (226-2820).

Sincerely,

ROBERT D. REISCHAUER,
Director.

INFLATIONARY IMPACT STATEMENT

The reported bill would have no inflationary impact.

AGENCY AND DEPARTMENTAL REPORTS

The Committee received the following letters from the American Battle Monuments Commission and the Department of the Army on H.R. 1734.

THE AMERICAN BATTLE MONUMENTS COMMISSION,
WASHINGTON, D.C.,
April 18, 1989.

Hon. G.V. Montgomery, *Chairman,*
Committee on Veterans Affairs,
U.S. House of Representatives,
Washington, D.C. 20515

DEAR MR. CHAIRMAN: Reference is made to your letter of April 13, 1989 requesting the view of this agency on H.R. 1734, a bill to exempt retired-recalled officers serving with the American Battle Monuments Commission from the grade limitations imposed by law on the Armed Forces. We are most grateful for this opportunity to comment on the proposed legislation.

First, I would like to give you a little background information on the Commission. It was established in 1923 to commemorate the achievements and sacrifices of American Armed Forces where they have served since April 6, 1917 through erection of suitable memorial shrines and to control the design and erection of war memorials and monuments on foreign soil by other U.S. citizens, public and private. Later, the Commission was given the added responsibility of designing, construction, operating and maintaining permanent American military burial grounds in foreign countries.

In the performance of its functions, the Commission administers, operates and maintains twenty-four permanent American military cemetery memorials and fourteen separate monuments in eleven foreign countries and the Commonwealth of the Northern Mariana Islands and four memorials here in the United States. Interred in these cemeteries are 124,912 U.S. War Dead—30,921 of World War I, 93,241 of World War II and 750 of the Mexican War. Additionally, 5,685 American veterans and others are interred in the Commission's Mexico City National Cemetery in Mexico and the Corozal American Cemetery and Memorial in the Republic of Panama. The 94,097 Missing in Action of World War I, World War II, the Korean War and Vietnam are commemorated individually by name either on Tablets of the Missing at the permanent American military cemetery memorials on foreign soil nearest to the area where they lost their lives or at three of the Commission's memorials here in the United States.

In view of the solemn nature of the Commission's mission, Congress considered it advisable for the Commission to be administered by an active duty military officer with the title of Secretary, and provided in the initial enabling legislation for the President to appoint a Regular Army officer to serve in that capacity. At the same time, Congress recognized the need for the Secretary to have a supporting military staff and authorized the military services upon the request of the Commission to provide personnel to carry out its functions with reimbursement by the Commission for their pay and allowances.

Military personnel have been detailed for full-time duty with the Commission since its inception sixty-six years ago. This authority has been used sparingly with only those military personnel needed to fill certain key positions of command, control and technical expertise being requested. In recent time, six Army officers have been detailed for full-time duty with the Commission.

I believe it essential to the continued effective performance of the Commission for it to employ retired-recalled officers to fill selected key positions. Under current Commission staffing, H.R. 1734 would restore one general officer grade and five colonel grades to the Department of the Army for its use while at the same time allowing the Commission to continue to use its retired-recalled military staff. As these officers are not available to DOD for duty, they should not be charged against its grade authorizations.

Each of the retired-recalled officers assigned for duty with the Commission has earned maximum military retirement of 75 percent of base pay and has waived his retirement pay to serve on active duty with the Commission. The U.S. Government is getting the full-time service of these officers for 25 percent of their base pay as they have already earned maximum retirement.

Whenever it became necessary for the Department of the Army to withdraw any of these spaces, the retired-recalled officers concerned would revert to retired status and begin drawing 75 percent of their base pay from the Department of the Army. The Commission then would have to employ civilians to take their place under the General Schedule of the Office of Personnel Management. This would cost the Federal Government annually up to an additional \$300,000.

Early enactment of this legislation is urged to ensure retention of the outstanding leadership provided by the Commission's Secretary and other senior military managers, and to restore use of the grades of the retired-recalled military personnel to the Department of the Army.

The Office of Management of Budget has advised that it has no objection to the presentation of this report to the Congress from the standpoint of the Administration's program.

Sincerely,

A.J. ADAMS,
MAJOR GENERAL, USA,
Secretary.

DEPARTMENT OF THE ARMY,
WASHINGTON, D.C.,
May 11, 1989.

Hon. G.V. (Sonny) Montgomery, *Chairman,*
Committee on Veterans Affairs,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on H.R. 1734, 101st Congress, a bill "To exempt retired members of the Armed Forces called to active duty and assigned to full-time duty with the American Battle Monuments Commission from grade limitations on officers of the Armed Forces."

The title of the bill states its purpose.

The Department of the Army, on behalf of the Department of Defense, favors the bill for the following reasons:

a. The Department of the Army, much like its sister services, frequently reviews its officer authorizations to ensure that they contribute directly to its principal mission. Several of those reviews have resulted in the withdrawal of support to many non-statutory positions supporting readiness and deterrence. The position of the Secretary, American Battle Monuments Commission, traditionally filled by a recalled general officer, has repeatedly surfaced during those reviews as failing to support the Army's primary mission.

b. As the Department of Defense continues to seek measures to preserve readiness in the face of officer end strength reductions, the adverse impact of positions like the Secretary, American Battle Monuments Commission becomes greater. Further, the extended use of critically limited general and flag officer authorizations in any way which does not directly contribute toward the mission of the Armed Services is inconsistent with Department of Defense management policies.

c. The Department of the Army, on behalf of the Department of Defense, recommends the eighth word on the thirteenth line of the bill be changed to "ordered" vice "recalled." The word "call" has technical connotations implying augmentation of the active forces upon mobilization by members of the reserve components or by activation of retirees.

d. The Department of the Army, on behalf of the Department of Defense, will continue to support the American Battle Monuments Commission in the spirit intended by the Congress. However, the relief on officer end strength afforded by H.R. 1734 is necessary.

Enactment of this bill will cause no increase in budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection

to the presentation of this report for the consideration of the Committee.

Sincerely,

WILLIAM D. CLARK,
ACTING ASSISTANT SECRETARY OF THE ARMY,
(*Manpower and Reserve Affairs*).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 523 OF TITLE 10, UNITED STATES CODE

§ 523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain

(a) * * *

(b) Officers in the following categories shall be excluded in computing and determining authorized strengths under this section:

(1) Reserve officers—

(A) * * *

* * * * *

(8) *Retired officers on active duty for the administration of the American Battle Monuments Commission.*

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ACT OF MARCH 4, 1923

CHAP. 283.—An Act For the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes.

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[[The provisions of this subsection shall take effect on the first day of the first calendar month following the date of enactment of this Act]]

A retired member of the Army, Navy, Air Force, or Marine Corps in a grade above colonel or, in the case of an officer of the Navy, captain who is recalled to active duty and detailed to full-time duty with the commission shall not be counted against the limitation in section 526 of title 10, United States Code, on the number of commissioned officers who may be serving on active duty in general and flag officer grades.

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